

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: MARSHALL ET AL.

10/510,074

Filed:

Serial No.:

JUNE 17, 2005

I. A. No.

PCT/US03/09902

I.A. Filing Date: April 1, 2003

Priority Date: April 2, 2002

For:

WALL LINING

Mail Stop: Missing Parts Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Examiner:

UNKNOWN

Group Art Unit: 3635

Docket No.

0-010197USWZFN

I certify that on September 22, 2006, this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

ry C Scuttell

REQUEST FOR CORRECTED FILING RECEIPT AND NOTICE OF ACCEPTANCE OF APPLICATION

Applicants respectfully request that the following corrections be made to the data shown in the Filing Receipt and the Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495:

Date of receipt of 35 USC 371 (c) (1), (c) (2) and (c) (4) requirements assigned by U.S. Patent Office corrected to: June 17, 2005;

International Application Filing date assigned by U.S. Patent Office corrected to: April 1, 2003;

David G. Burleson, Registration No. 38,090 added to Power of Attorney as filed in the Combined Declaration and Power of Attorney;

A Change of Correspondence Address was filed on November 2, 2004, the corrected address is:

Chief Intellectual Property Counsel OMNOVA Solutions Inc. 175 Ghent Road Fairlawn, OH 44333 Serial No. 10/5120,074

Page 2

A copy of the Filing Receipt and Notice of Acceptance of Application Under 35 U.S.C. 371

and 37 CFR 1.495 showing the requested corrections are attached.

Also enclosed are the following documents that include the correct information for this

application:

Postcard showing date of receipt of Missing Parts of June 17, 2005;

Front page of published PCT Application (Publication No. WO 03/085346 A1) showing

international filing date of April 1, 2003;

Combined Declaration and Power of Attorney, appointing David G. Burleson, Reg. No.

38,090 and attorneys and/or agents associated with Customer No. 33072, submitted June 15, 2005;

and

Change of Correspondence Address submitted November 2, 2004.

No fee is deemed necessary. Should any fee be required, the Commissioner is authorized to

charge any additional fees or credit any overpayment to Deposit Account No. 50-1775 and notify us

of the same.

Respectfully Submitted,

Dated: September 12, 2006

Karrie G. Weaver, #43 245

Customer No. 33072

Phone: 651-275-9836 Facsimile: 651-351-2954

KGW/29902



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Viginia 22313-1450 www.uspto.gov

FILING OR 371 APPL NO. **ART UNIT** FIL FEE REC'D ATTY.DOCKET NO DRAWINGS TOT CLMS IND CLMS (c) DATE 14 06/17/2006 1410 0-010197USWZFN 10/510.074 -3635

CONFIRMATION NO. 4254

33072

·KAGAN-BINDER: PLLC

-SUITE 200, MAPLE ISLAND BUILD

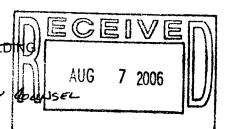
06/17/2005

~221 MAIN STREET NORTH

STILLWATER MN 55082 CHIEF INTELLECTUAL PROPERTY

OMNOVA SOLUTIONS INC. 175 GHENT ROAD

FAIRLAWN, OH 44333



FILING RECEIPT *OC000000019820863*

Date Mailed: 08/01/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Allan Marshall, Hudson, OH; Terence Corner, Kent, UNITED KINGDOM;

DAVID G. BURLESON, REGISTRATION NO. 38,090 AND Power of Attorney: The patent practitioners associated with Customer Number 33072.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/09902 04/01/2003 * (*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

UNITED KINGDOM 0207642.0 04/02/2002

If Required, Foreign Filing License Granted: 07/28/2006

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/510.074

Projected Publication Date: 11/09/2006

Non-Publication Request: No

Early Publication Request: No

Title

Wall lining

Preliminary Class

052

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof

unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

PRIORITY DATE

04/02/2002



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

U.S. APPLICATION NUMBER NO. FIRST NAMED APPLICANT ATTY. DOCKET NO.

10/510,074 Allan Marshall 0-010197USWZFN

INTERNATIONAL APPLICATION NO.

PCT/US03/09902

33072
KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER, MN 55082
CHIEF INTELLECTUAL PROFERRY COUNSEL
OU NOVA SOLUTIONS INC.

*04/01 |2 ∞*3 CONFIRMATION NO. 4254

371 ACCEPTANCE LETTER

OC00000019820864

I.A. FILING DATE

-01/01/2003

175 GHENT ROAD FAIRLAWN, OH 44333

Date Mailed: 08/01/2006

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

06/17/2005

06/17/2005 06/17/2006

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 09/30/2004
- Copy of the International Search Report filed on 09/30/2004
- Copy of IPE Report filed on 09/30/2004
- Information Disclosure Statements filed on 03/14/2005
- Oath or Declaration filed on 06/17/2006
- U.S. Basic National Fees filed on 09/30/2004
- Priority Documents filed on 09/30/2004

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)

THIS WILL ACKNOWLEDGE RECEIPT OF THE FOLLOWING IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Response to Notification of Missing Parts

Copy of Notification of Missing Requirements

Combined Declaration and Power of Attorney (6 pgs)

Check in the amount of \$490.00

 PCT Notification of Transmittal of the International Preliminary Examination Report (5 pgs)

Postcard

Applicant:

MARSHALL ET AL.

Serial No.:

10/510,074

Filed:

September 30, 2004

For: Docket No.:

WALL LINING 0-010197USWZFN (OSI0077/US)

Date Mailed:

led: June 15, 2005

KGW/mcd/1912JC10 Rec'd PCT/PTO 17 JUN 2005



(19) World Intellectual Property Organization International Bureau





(43) International Publication Date 16 October 2003 (16.10.2003)

(10) International Publication Number WO 03/085346 A1

(51) International Patent Classification7: C09K 5/06

Kent TN18 5EF (GB). CORNER, Terence [GB/GB]; 19

- (21) International Application Number:
 - PCT/US03/09902

F28D 20/02,

(22) International Filing Date:

1 April 2003 (01.04.2003)

(25) Filing Language:

English

(26) Publication Language:

English

(30) Priority Data: 0207642.0

2 April 2002 (02.04.2002) GB

- (71) Applicants (for all designated States except US): OM-NOVA WALLCOVERING (UK) LIMITED [GB/GB]; 74-78 Wood Lane End, Hemel Hempstead,, Hertfordshire RP2 4RF (GB). OMNOVA SOLUTIONS INC. [US/US]; 175 Ghent Road, Fairlawn, OH 44333-3300 (US).
- (72) Inventors; and
- (75) Inventors/Applicants (for US only): MARSHALL, Allan [GB/GB]; Ringle House Cranbrook Road, Hawkhurst,

The Middlings, Sevenoaks, Kent TN13 2NN (GB).

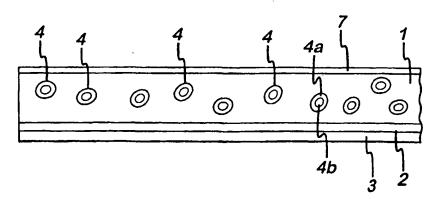
- (74) Agents: BURLESON, David et al.; Omnova Solutions Inc., Legal Department, 175 Ghent Road, Fairlawn, OH 44333-3300 (US).
- (81) Designated State (national): US.
- (84) Designated States (regional): Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, BG, CH, CY, CZ, DE, DK, EE, ES, FI, FR, GB, GR, HU, IE, IT, LU, MC, NL, PT, RO, SE, SI, SK, TR).

Published:

with international search report

For two-letter codes and other abbreviations, refer to the "Guidance Notes on Codes and Abbreviations" appearing at the beginning of each regular issue of the PCT Gazette.

(54) Title: WALL LINING



(57) Abstract: A flexible wall lining includes a body layer (1) comprising one or more phase change materials (4) that each exhibit a phase change at a temperature in the range from 5° to 40°C. The wall lining preferably is provided in the form of a sheet that can be attached to a building wall (5) either at the time of construction or, advantageously, at a time when the building is being renovated or redecorated.

COMBINED DECLARATION AND POWER OF ATTORNEY IN ORIGINAL APPLICATION

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenships are as stated below next to our names.

We believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled WALL LINING, the specification of which can be identified in the U.S. Patent and Trademark Office by Serial No. 10/510,074, filed September 30, 2004.

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims. We acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Number	Country	Day/Month/Year Filed	Priority Claimed
PCT/US03/09902	<u>PCT</u>	01.04.2003	Yes_X No
0207642.0	<u>GB</u>	02.04.2002	Yes_X No

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

Appln. Ser. No.	Filing Date	Status: patented, pending, abandoned
None		

We hereby appoint David G. Burleson, Reg. No. 38,090 and all attorneys and/or agents associated with Customer No. 33072 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please address all future correspondence to: Chief Intellectual Property Counsel, Omnova Solutions, Inc., 175 Ghent Road, Fairlawn, OH 44333; telephone (330) 869-4260.

We hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first joint	inventor: Allan Marshall		
Inventor's signature:	Allan Marshalf 06/13/05		
Residence:	Date 333 Simon Road, Hudson, Ohio 44236		
P.O. Address:	Same		
Citizenship:	Great Britain		
Full name of second joint inventor: Terence Corner Inventor's signature:			
Residence:	Date 19 The Middlings, Sevenoaks, Kent TN13 2NN, United Kingdom		
P.O. Address:	Same		
Citizenship:	Great Britain		

14628

§1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
 - (1) Each inventor named in the application;
 - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

14628

CHANGE OF CORRESPONDENCE ADDRESS Application

Address to: Commissioner for Patents Alexandria, V.A. 22313

Application Number	10/510,074		
Filing Date	SEPTEMBER 30, 2004		
First Named Inventor	MARSHALL ET AL		
U.S. Patent No.	NOT YET ISSUED		
Examiner Name	UNKNOWN		
Attorney Docket Number	0-010197USWZFN		
Title	WALL LINING		

Please change the Correspondence Address for the above-identified application						
to:	J	·		.,		
Inc	dividual Name	Name Chief Intellectual Property Counsel				
Fir	m Name	OMNOVA Solutions Inc.				
Ad	ldress	175 Ghent Road			· · · · · · · · · · · · · · · · · · ·	
City Fairlawn State		State	ОН	Zip	44333	
Co	ounty			l. <u>.</u>	I	1
Te	lephone	(330) 869-4260	Fax	(330) 869-4272		
This form cannot be used to change the data associated with a Customer Number. To change the data associated with an existing Customer Number use "Request for Customer Number Data Change" (PTO/SB/124).						
I am:						
	Applicant/Inventor.					
	Assignee of record of the entire interest. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).					
\boxtimes	Attorney or Agent of record.					
Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number						
Typed or Name	r Printed	Karrie G. Weaver, Reg. No. 43,245				
Signature Karry Volume 1. 10,240						
Date						
		November 2, 2004				

BS[0077/US

MEMORY TRANSMISSION REPORT

PAGE

: 001

TIME

: NOV-02-2004 02:12PM

TEL NUMBER1: TEL NUMBER2:

NAME

FILE NUMBER

: 124

DATE

: NOV-02 02:11PM

TO

: 🕿 17038729306

DOCUMENT PAGES

START TIME

NOV-02 02:11PM

END TIME

NOV-02 02:12PM

SENT PAGES

002

STATUS

OK

FILE NUMBER

: 124

*** SUCCESSFUL TX NOTICE ***

KAGAN BINDER, PLLC Suite 200 Maple Island Building 221 Main Street North Stillwater, Minnesota 55082 Phone: 651-351-2900 Facsimile: 651-351-2954



Jamie A. Ebach jebach@kaganbinder.com

FACSIMILE TRANSMITTAL

DATE: TO:

November 2, 2004

(Art Unit assigned to below application) FAX NO.: 703-872-9316

9306

COMPANY: United States Patent & Trademark Office

OF PAGES: 2 (INCLUDING COVER)

MESSAGE:

Application No. 10/510,074 Filed on September 30, 2004 Docket No. 0-010197USWZFN

I HEREBY CERTIFY THAT ON NOVEMBER 2, 2004, THE FOLLOWING LISTED DOCUMENTS ARE BEING PACSIMILE TRANSMITTED TO THE U.S. PATENT AND TRADEMARK OFFICE TO FAX NUMBER 703-872-9306.

JAME A. EBACH

CHANGE OF CORRESPONDENCE ADDRESS (1 PG).

If you do not receive all pages, or if you encounter any other difficulties, please call 651-351-2900.

CONFIDENTIALITY AND PRIVILEGE NOTICE

The information contained in the facsimile message is legally privileged and confidential information intended only for the use of the individual or entity to which this cover sheet is addressed. If the reader of this message is not the intended recipient, you are hereby notified that any use, dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please immediately notify the sender by telephone and return the original message by meil at the address above. Thank you.